

CHAPTER NO. 677

HOUSE BILL NO. 1964

**By Representatives Rinks, Henri Brooks, Langster, Sherry Jones, Moore, Hargrove,
Shaw, Cooper**

Substituted for: Senate Bill No. 2033

By Senators Burchett, Herron, Finney, Black, Bryson, Burks

AN ACT to amend Tennessee Code Annotated, Title 25; Title 26; Title 45; Title 47 and Title 58, relative to military personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 26, Chapter 1, Part 1, is amended by adding the following language as a new section:

26-1-111. (a) Notwithstanding any provision of law to the contrary, if a member of a reserve or Tennessee national guard unit entered into:

- (1) a mortgage or deed of trust for the purchase of a home; or
- (2) a contract for the purchase of a motor vehicle; and

such person is subsequently called into active military service of the United States, as defined in § 58-1-102, and is stationed outside the United States during hostilities,

then any provision of such contract or mortgage or deed of trust providing for foreclosure on the property or repossession of such motor vehicle shall be suspended until ninety (90) days following such military personnel's return to this state.

(b)

(1) To exercise the benefits of this section, a service member shall, at any time prior to or during deployment, provide a written notice to the holder of the indebtedness stating the following:

(A) The person is a member of the reserve or Tennessee National Guard;

(B) The member has been called to active duty;

(C) A copy of the deployment order is attached; and

(D) The service member shall state the anticipated date of return to the state.

In any action to foreclose or repossess as provided in this section, the holder of the indebtedness is entitled to rely on the anticipated date of return or discharge stated in either the deployment order or in the statement provided in this subdivision (b)(1)(D) when seeking to foreclose or repossess.

(2) At any stage before a final foreclosure sale or a final sale of repossessed property under the Uniform Commercial Code, the sale shall be stayed provided the service member gives notice as provided in Section 202 of the Servicemembers Civil Relief Act codified in 50 USCS Appx. §522.

(c) The provisions of this act shall not apply to a service member who executes a waiver pursuant to Section 107 of the Servicemembers Civil Relief Act.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 4, 2006



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 15th day of May 2006



PHIL BREDESEN, GOVERNOR